

ORDINANCE NO. 1141

AN ORDINANCE OF THE CITY OF LODI REPEALING CHAPTER 22 OF THE CODE OF THE CITY OF LODI ENTITLED "SUBDIVISIONS" AND SUBSTITUTING A NEW ORDINANCE IN ITS PLACE AND STEAD.

The City Council of the City of Lodi does ordain as follows:

I. Conformity to General Plan and Waiver

Section 1. General Plan conformance; time for or waiver of report.

(a) A report as to conformity to the general plan, which is required pursuant to Section 65402 of the Government Code as the result of a proposed division of land, may be included as part of and at the same time as, the action taken by the advisory agency on such division of land.

(b) Such report is not required for a proposed subdivision which involves 1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; 2) acquisitions, dispositions or abandonments for street widening; or 3) alignment projects, provided that the advisory agency expressly finds that **any** such disposition for street purposes, acquisitions, dispositions or abandonments for street widening, or alignment projects is of a minor nature.

II. Citation and Authority

Section 2. Citation and authority.

This ordinance is adopted to supplement and implement **the** Subdivision Map Act of the State of California and may be cited as the "Subdivision Ordinance of Lodi".

III. Definitions

Section 3. Definitions.

The following words and phrases shall have the meaning respectively ascribed to them:

"Improvement .

"(a) 'Improvement' refers to such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements, as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance ~~of~~ the final map thereof.

"(b) 'Improvement' also refers to such other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to insure conformity to or implementation of the general plan required by Section 65300 of the Government Code, ~~or~~ any specific plan adopted pursuant to Section 65450 of the Government Code. "

Section 4. "Subdivider" means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or for others.

Section 5. "Subdivision" means the division of any improved or unimproved land, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-ways. "Subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code or a community apartment project, as defined in Section 11004 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

Section 6. "Advisory agency" shall be the Planning Commission of the City of Lodi for tentative and parcel maps.

Section 7. Definitions incorporated by reference.

Whenever any words or phrases as used in this ordinance are not defined herein but are defined in the Subdivision Map Act as last amended, such definitions are incorporated herein and shall be deemed to apply as if set forth in this ordinance.

IV. Final Map Procedures

Section 10. Final Map Requirements.

A final map shall be required for all subdivisions creating five or more parcels, five or more condominiums or a community apartment project containing five or more parcels except where:

- a) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required by the legislative body, or
- b) Each parcel created by the division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway;
- c) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned ~~for~~ industrial or ~~com-~~mercial development and that has the approval of the governing body as to street alignments and widths;

Section 11. General Requirements.

All other final map procedures and requirements shall be as outlined in the Subdivision Map Act as last amended including but not limited to Government Code Section 66473 et seq.

V. Tentative Map Procedures

Section 20. Tentative Map Requirements

A tentative map shall be prepared, filed and approved for all subdivisions for which a final map is required.

Section 21. Filing of tentative map.

Tentative maps shall be filed with the Community Development Director and shall be processed in accordance with the Subdivision Map Act and the provisions of this ordinance. The subdivider shall file as many copies of the tentative map as may be required by the Community Development Director.

Section 22. Public Hearing.

The Advisory Agency shall hold a public hearing on the tentative map, and notice thereof shall be given as provided in Section 66451.3 of the Subdivision Map Act. Any person interested in and affected by the proposed subdivision may appear at such a hearing and shall be heard.

In addition to the notice required by this section, written notice of the time and place of the hearing and a general description of the location of the proposed subdivision shall be mailed not less than ten (10) days prior to the hearing to the subdivider and to all property owners within 300 feet of the boundaries of the proposed subdivision, as shown on the latest equalized county assessment roll.

Section 23. Notice of hearing.

Whenever a public hearing is held pursuant to this ordinance, notice of the time and place thereof, and a general description of the location of the subdivision, shall be published once in a newspaper of general circulation published and circulated within the City of Lodi ■

Section 24. Expiration of tentative maps approval.

(a) Expiration. The approval or conditional approval of a tentative map shall expire twelve (12) months from the date the map was approved or conditionally approved.

(b) Extension. The person filing the tentative map may request an extension of the tentative map approval or conditional approval by written application to the Advisory Agency, such application to be filed at least thirty (30) days before the approval or conditional approval is due to expire. The application shall state the reasons for requesting the extension. In granting an extension, new conditions may be imposed and existing conditions may be revised.

(c) Time Limit on Extensions. An extension or extensions of tentative map approval or conditional approval shall not exceed 18 months.

(d) Effect of Map Modification on Extension. Modification of a tentative map after approval or conditional approval shall not extend the time limits imposed by this section.

Section 25. General Requirement

All other tentative map procedures and requirements shall be as outlined in the Subdivision Map Act as last amended including but not limited to Government Code Section 66473 et seq.

VI. Parcel Map Procedures

Section 30. Parcel Map Requirements.

A parcel map shall be filed and recorded for any subdivision of four or fewer parcels or for any subdivision for which a tentative and final map is not required by the Subdivision Map Act or this ordinance.

Such parcel maps shall meet all the requirements of the Subdivision Map Act and of this ordinance and shall show all dedications ~~or~~ offers of dedication thereon.

Section 31. Tentative Parcel Maps.

When a parcel map is required by this ordinance, a tentative parcel map shall first be filed with the Community Development Department. Said map shall meet all the requirements for tentative maps provided by the Subdivision Map Act and of this ordinance. The subdivider shall file as many copies of the tentative parcel map as may be required by the Community Development Director.

The Advisory Agency shall approve, disapprove or conditionally approve all tentative maps.

Section 32. Waiver of Parcel Maps.

Except where required by the Subdivision Map Act, no parcel map need be filed or recorded, whenever the Community Development Director finds that the proposed division of land meets all city requirements as to 1) area, 2) improvement and design, 3) drainage, 4) appropriate improved public roads, 5) sanitary disposal facilities, 6) water supply availability, 7) environmental protection, 8) all other requirements of the Subdivision Map Act and any applicable provisions of this ordinance.

VII. Fees.

Section 40. Tentative Maps.

The filing of a tentative subdivision map with the Community Development Director shall be accompanied by the payment of a filing fee as set and established from time to time by resolution of the City Council. No part of such filing fee is returnable.

Section 41. Final Maps and Parcel Maps,

The submission of the final map or parcel map to the Public Works Director shall be accompanied by the payment of fees as set and established from time to time by resolution of the City Council. No part of such filing fee is returnable.

VIII. Dedication Regulations for Streets, Alleys, Drainage, Public Utility Easements and Other Public Easements.

Section 50. Requirements.

As a condition for approval of a final subdivision or parcel map, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for streets, alleys, including access rights and abutters' rights, drainage, public utility easements, and other public easements. In addition, the subdivider shall improve or agree to improve all streets, alleys, including access rights and abutters' rights, drainage, public utility easements, **and** other public easements.

IX. Waiver of Direct Street Access

Section 55. Waiver of direct access to streets.

Whenever the Advisory Agency finds a safety hazard would be

created as the result of direct access, the Advisory Agency may impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights to such street from any property shown on a final map as abutting thereon, and that if the dedication is accepted, such waiver shall become effective in accordance with the provisions of the waiver of direct access. The Advisory Agency may **also** require waivers of access to an existing street already dedicated which abuts the subdivision.

X. Required Improvements.

Section 60. Improvements.

The subdivider of any subdivision requiring a final or parcel map shall be required to install improvements as defined by the Subdivision Map Act and this ordinance provided, however, that in the event that a division of land is made of property that creates no more than 3 parcels, each containing a minimum of 1 acre, then the required improvements may be deferred until such time as a building permit is requested or until required by the City.

All improvements required shall be designed in conformance with **the** City of Lodi Design Standards and shall be constructed in conformance with the City of Lodi Construction Specifications.

~~Section 61~~ Streets.

The subdivider shall dedicate and improve all streets, including curbs, gutters, sidewalks and street pavement in accordance with adopted City policies.

If street improvements exist that do not meet existing City standards or are inadequate or a hazard to the general public, then these improvements shall be reconstructed to current City standards.

Section 62. Storm Drains.

With the filing of the improvement plans for the first unit of any subdivision, the subdivider shall submit a master storm drainage plan for the entire area covered by the tentative map. The drainage system shall be designed to conform to the City of Lodi master storm drainage plan.

All storm drains and drainage facilities not part of the City of Lodi's Master Drainage Program are the responsibility of the subdivider. The subdivider shall receive credits as established by resolution, from time to time, by the City Council for all storm drain lines and manholes constructed by the subdivider.

Section 63. Sanitary Sewers.

With the filing of the improvement plans for the first unit of any subdivision, the subdivider shall submit a master sanitary sewer plan conforming to the City of Lodi master sanitary sewer plan for the entire area covered by the tentative map. If the subdivider is required to install sanitary sewers that may serve or benefit properties other than the proposed development, the City will enter into a reimbursement agreement with the subdivider as outlined in Chapter 20, Article II of the Lodi City Code.

Section 64. Water and Fire Protection.

With the filing of the improvement plans for the first unit of any

subdivision, the subdivider shall submit a master water plan conforming to the City of Lodi master water plan for the entire area covered by the tentative map. The subdivider shall install fire hydrants in accordance with the requirements of the City of Lodi Fire Chief. Hydrants **may** be required outside the limits of the subdivision for the purpose of serving the subdivision. If the subdivider is required to install water mains that may serve **or** benefit properties other than the proposed development, the City will enter into a reimbursement agreement with the subdivider as outlined in Chapter 26, Article II of the Lodi City Code.

Section 65. Electrical Facilities and Street Lights.

The subdivider shall install electrical facilities and street lights in accordance with plans prepared and approved by the City of Lodi Utility Department.

Section 66. Improvements by City.

The City may install or construct certain improvements, **such as** street signs, water tie-ins, water and sewer taps, etc., which shall be at the expense of the subdivider as shown in the subdivision agreement.

Section 67. Final Map Monuments.

At the time of making the survey for the final map, subdivider's engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions

Code so that another engineer or surveyor may readily retrace the survey.

All monuments necessary to establish the exterior boundaries of the subdivision shall be set or referenced prior to recordation of the final map.

XI. Improvement Security

Section 70. Improvement Security: Required.

Any improvement agreement, contract or act required or authorized by the Subdivision Map Act, for which security is required, shall be secured in one of the manners provided for in Section 66499 et seq. of the Subdivision Map Act.

Section 71. Improvement Security: Amount

The improvement security shall be in the amount of 100% of the total estimated cost of the improvements or of the act to be performed, conditioned upon the faithful performance of the act or agreement and an additional security for the security of laborers and materialmen in an amount not less than 50% of the total estimated cost of the improvement or the performance of the required act securing payment to the contractor, his subcontractors, the persons furnishing labor and materials or equipment to them for the improvement or the performance of the required act.

If the improvement security is other than a bond or bonds furnished by duly authorized corporate surety, an additional amount shall be included as determined by the City Council as necessary to cover the cost and reasonable expenses and fees, including reasonable attorneys' fees, which

may be incurred by the City in successfully enforcing the obligation secured.

The improvement security shall also secure faithful performance of any changes or alterations in the work to the extent that such changes or alterations do not exceed ten (10) percent of the original estimated cost of the improvement.

Section 72. Improvement Security: Release.

The improvement security required hereunder shall be released in the following manner:

- (a.) Security given for faithful performance of any act or agreement shall be released upon the final completion and acceptance of the act or work provided; however, that the Public Works Director may release a portion of the security in conjunction with the acceptance of the performance of the work as it progresses upon application therefore by the subdivider; provided, however, that no more than 90% of the value of the work and/or materials actually furnished and installed may be released until final completion and compliance of the act or work.
- (b.) Security given to secure payment to the contractor, his sub-contractors and to persons furnishing labor, materials, or equipment, may, six months after the completion and acceptance of the act or work, be reduced to an amount equal to the amount of all claims therefor filed and of which notice has been given to the City of Lodi, plus an amount reasonably determined by the Director of Public Works to be required to assure the performance

of any other obligations secured thereby. The balance of the security shall be released upon the settlement of all such claims and obligations for which the security was given.

- (c.) No security given for the guarantee or warranty of work shall be released until the expiration of the period thereof.

XII. Soil Reports.

Section 80. Soil Reports.

- (a) A preliminary soils report, prepared by a civil engineer registered in this State and based upon adequate test borings shall be submitted to the Community Development Director for every subdivision.
- (b) A preliminary soils report may be waived by the Community Development Director providing the Community Development Director finds that due to the knowledge of the City of Lodi has as to the soils qualities of the soils in the subdivision, no preliminary analysis is necessary.
- (c) If the City of Lodi has knowledge of, ~~or~~ the preliminary soils report indicates, the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, a soils investigation of each lot in the subdivision may be required by the Community Development Director. Such soils investigation shall be done by a civil engineer registered in this State, who shall recommend the corrective action which is likely to prevent structural damage

to each structure proposed to be constructed in the area where such soils problem exists.

The Advisory Agency may approve the subdivision or portion thereof where such soils problems exist if it determines that the recommended action is likely to prevent structural damage to each structure to be constructed and a condition to the issuance of any building permit may require that the approved recommended action be incorporated in the construction of each structure.

XIII. Environmental Impact.

Section 85. Environmental Impact.

No parcel or tentative map filed pursuant to the provisions of this ordinance shall be approved until an environmental impact analysis is prepared, processed and considered in accordance with the provisions of the Lodi City Code. The subdivider shall provide such additional data and information and deposit and pay such fees as may be required for the preparation and processing of the environmental review documents.

XIV. Appeals.

Section 95. Appeals.

(a) Any interested person adversely affected by any decision of the Advisory Agency may file a complaint with the City Clerk concerning such decision. Any such complaint shall be filed with the City Clerk within fifteen (15) days after the action which is the subject of the complaint. The City Council may, in its discretion, reject the complaint within fifteen (15) days

or set the matter for public hearing. If the City Council rejects the complaint, the complainant shall be notified of such action. If the matter is set for hearing, the hearing shall be conducted and notice thereof given as provided by Government Code Section 66451.3.

XV. Repeal of Chapter 22.

Section 100. Repeal of Chapter 22.

Chapter 22 of the Code of the City of Lodi is hereby repealed and this ordinance shall be substituted in its place and stead.

Section 105. Publication.

This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

. Approved this 19th day of April 1978

JAMES W. PINKERTON
MAYOR

Attest: JAMES B. SCHROEDER
Deputy City Clerk

State of California
County of San Joaquin, ss.

I, James B. Schroeder, Deputy City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1141 was introduced at a regular meeting of the City Council of the City of Lodi held April 5, 1978 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held April 19, 1978 by the following vote:

Ayes: Councilmen - Hughes, Katnich,
Katzakian, McCarty and
Pinkerton

Noes: Councilmen - None

Absent: Councilmen - None

I further certify that Ordinance No. 114I was approved
and signed by the Mayor on the date of its passage and the same
has been published pursuant to law.

JAMES B. SCHROEDER
DEPUTY CITY CLERK

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA,

County of San Joaquin.

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily, except Sundays and holidays, in the City of Lodi, California, County of San Joaquin, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953, Case Number 65990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

.....MAY 3, 1978
all in the year 1978

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 3rd day of

.....MAY....., 1978.

Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of

ORDINANCE # 1141

divider shall file as many copies of the tentative map as may be required by the Community Development Director.

Section 22. Public Hearing. The Advisory Agency shall hold a public hearing on the tentative map, and notice thereof shall be given as provided in Section 66451.3 of the Subdivision Map Act. Any person interested in and affected by the proposed subdivision may appear at such a hearing and shall be heard.

In addition to the notice required by this section, written notice of the time and place of the hearing and a general description of the location of the proposed subdivision shall be mailed not less than ten (10) days prior to the hearing to the subdivider and to all property owners within 300 feet of the boundaries of the proposed subdivision, as shown on the latest equalized county assessment roll.

Section 23. Notice of hearing. Whenever a public hearing is held pursuant to this ordinance, notice of the time and place thereof, and a general description of the location of the subdivision, shall be published once in a newspaper of general circulation published and circulated with the City of Lodi.

Section 24. Expiration or tentative map approval.

(a) Expiration. The approval or conditional approval of a tentative map shall expire twelve (12) months from the date the map was approved or conditionally approved.

(b) Extension. The person filing the tentative map may request an extension of the tentative map approval or conditional approval by written application to the Advisory Agency; such application to be filed at least thirty (30) days before the approval or conditional approval is due to expire. The application shall state the reasons for requesting the extension. In granting an extension, new conditions may be imposed and existing conditions may be revised.

(c) Time Limit on Extensions. An extension or extensions of tentative map approval or conditional approval shall not exceed 18 months.

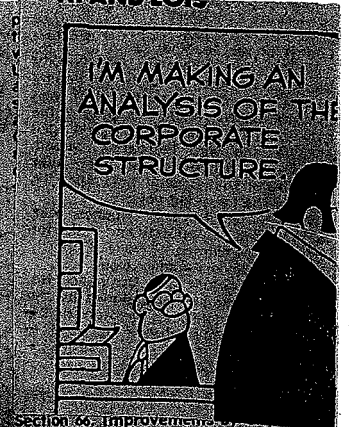
(d) Effect of Map Modification on Extension. Modification of a tentative map after approval or conditional approval shall not extend the time limits imposed by this section.

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Such parcel maps shall meet all the requirements of the Subdivision Map Act and of this ordinance and shall show all dedications or offers of dedication thereon.



Section 66. Improvements. The City may install or construct certain improvements, such as street signs, water tie-ins, water and sewer taps, etc., which shall be at the expense of the subdivider as shown in the subdivision agreement.

Section 67. Final Map Monuments.

At the time of making the survey for the final map, subdivider's engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey.

All monuments necessary to establish the exterior boundaries of the subdivision shall be set or referenced prior to recordation of the final map.

Section 70. Improvement Security. Security Required.

Any improvement agreement, contract or act required or authorized by the Subdivision Map Act for which security is required shall be secured in one of the manners provided for in Section 66499 et seq. of the Subdivision Map Act.

Section 71. Improvement Security - Amount.

The improvement security shall be in the amount of 100 percent of the total estimated cost of the improvements or of the act to be performed, conditioned upon the faithful performance of the act or agreement and an additional security for the security of laborers and materialmen in an amount not less than 50 percent of the total estimated cost of the improvement or the performance of the required act during payment to the contractor, his subcontractors, the persons furnishing labor and materials or equipment to them for the improvement or the performance of the required act.

If the improvement security is other than a bond or bonds furnished by duty authorized corporate surety, an additional amount shall be included as determined by the City Council as necessary to cover the cost and reasonable expenses and fees, including reasonable attorneys' fees, which may